

REMARKS

Claims 1-53 are pending in the application. Claims 2, 9-15, and 26-53 have been withdrawn pursuant to restriction/election of species requirements. No claims are presently allowed.

Claim Rejections – 35 U.S.C. § 102

Claims 1, 3, 4, 6-8, and 24 have been rejected under 35 U.S.C § 102(a) as allegedly anticipated by Wartena et al.

The publication date of Wartena is October 2002, which is less than one year before the filing date of the present application, 09/30/2003. The reference may be overcome by a declaration under 37 C.F.R. § 1.132.

The Declarations submitted on 02/12/2008 are signed by all the present inventors and contain an unequivocal statement that they conceived or invented the subject matter disclosed Wartena. This overcomes the reference.

In response to the declarations, the Office Action states that Applicants' declaration of 02/12/2008 was incomplete (because the Wartena declaration contains the word "i") and that the copy of the declaration submitted on 05/30/2008 was unsigned. The two Wartena declarations are the same document. The 05/30/2008 submission is an unsigned copy submitted as evidence of the missing letter "s" that was cropped from the first line of paragraph 3 of the 02/12/2008 submission. The 02/12/2008 submission is a signed copy of the same document. When viewed together the two copies of the Wartena declaration are a complete declaration.

Nevertheless, a newly signed copy of the same declaration is submitted with this response. The content is identical to the prior Wartena declaration with no cropping, as well as to the Swider-Lyons declaration submitted on 02/12/2008. No new evidence is presented with this response. It is the same as the prior-submitted evidence.

Claim Rejections – 35 U.S.C. § 103

Claims 5 and 16 have been rejected under 35 U.S.C § 103(a) as being allegedly

unpatentable over Wartena in view of Zheng et al. (US 6,097,588).

As explained above, Wartena has been overcome.

Claims 17-19 and 25 have been rejected under 35 U.S.C § 103(a) as being allegedly unpatentable over Wartena in view of the 202nd Meeting article dated October 2002.

As explained above, Wartena has been overcome.

Claims 20-23 have been rejected under 35 U.S.C § 103(a) as being allegedly unpatentable over Wartena in view of Evans (US 5,737,181).

As explained above, Wartena has been overcome.

In view of the foregoing, it is submitted that the application is now in condition for allowance.

In the event that a fee is required, please charge the fee to Deposit Account No. 50-0281, and in the event that there is a credit due, please credit Deposit Account No. 50-0281.

Respectfully submitted,



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